

Sixth Appellate District

San Jose, California

MONDAY, DECEMBER 17, 2007

H031415 PEOPLE v. CHAVEZ

The judgment is reversed and the matter is remanded for resentencing. The trial court is directed to amend the abstract of judgment in case number SS032284 to delete the \$50 lab fee and the \$165 drug program fee. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed December 17, 2007

H031025 PEOPLE v. STOLL

The \$200 and \$600 restitution fines imposed in case numbers SS033244A and SS040727A, respectively, at the time probation was revoked in November 2006 are ordered stricken. The suspended parole revocation restitution fine of \$600 assessed in case number SS040727A is reduced to \$200. The judgment is modified to reflect the restitution fines of \$200 originally imposed under section 1202.4, subdivision (b) in case numbers SS033244A and SS040727A in March 2004. The judgment is also modified to reflect a \$200 parole revocation restitution fine (under §§ 1202.45) in case no. SS040727A (with a parole revocation restitution fine in the same amount assessed in case no. SS033244A), which are suspended unless parole is revoked. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment consistent with the foregoing and deliver it to the Department of Corrections. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed December 17, 2007

H031135 PEOPLE v. ZARATE et al.

The judgment against Arthur Hernandez is modified to impose a restitution fine of \$200 under Penal Code section 1202.4, subdivision (b)(1). The trial court is directed to prepare an amended abstract of judgment and forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment against Hernandez is affirmed.

The judgment against Eric Zarate is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed December 17, 2007

H030442 PEOPLE v. STROUSE

The judgment is affirmed. (not published)

(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed December 17, 2007

Sixth Appellate District

San Jose, California

TUESDAY, DECEMBER 18, 2007

H031049 TANIMURA & ANTLE, et al. v. WORKERS' COMPENSATION
APPEALS BOARD and AVELINO LOPEZ

Filed order publishing opinion.
(Duffy, J., Premo, Acting P.J., Elia, J.)

H030496 PETERSON v. LOS GATOS SARATOGA COMMUNITY EDUCATION AND
RECREATION

The judgment is reversed. Appellant is awarded her costs on
appeal (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy,
J.)
Filed December 18, 2007

H031563 PEOPLE v. STEPHEN G.

The juvenile court's order is affirmed. (not published)
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed December 18, 2007

H030622 PEOPLE v. BALESTRERI, et al.

The judgments are affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy,
J.)
Filed December 18, 2007

H031225 ALENKA ZORIC v. NEBOJSA ZORIC

By the Court*:

Appellant's petition for rehearing is denied.
Filed: December 18, 2007
*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams,
J.

H031160 RAMOS ON HABEAS CORPUS

The case is remanded to the superior court with directions
to modify its order granting Daniel Ramos's petition for writ of
habeas corpus and remanding the matter to the Board of Parole
Hearings for a new hearing. The order shall be modified to direct
the Board of Parole Hearings to hold a new parole hearing in
accordance with due process; to consider all relevant, reliable
information available to the panel as required by California Code
of Regulations, title 15, section 2281, subdivision (b); to
afford individualized consideration of all parole suitability and
unsuitability factors (Cal. Code Regs., tit. 15, § 2281); and, if
parole is denied, to articulate its reasons for finding Ramos
unsuitable for parole. As modified, the order is affirmed. (not
published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams,
J.) Filed December 18, 2007

Sixth Appellate District

San Jose, California

WEDNESDAY, DECEMBER 19, 2007

The following cases are submitted this date:

H031578 In re KATRINA B.; D.F.C.S v. GLORIA B.

H030404 MILLER, et al. v. STATE OF CALIFORNIA

H031216 PEOPLE v. MARTINEZ

The judgment is reversed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed December 19, 2007

H031120 FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT v. EMERICH
et al.

The judgment is affirmed. (published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed December 19, 2007

H031024 PEOPLE v. SHABVANI

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed December 19, 2007

H031271 BAINS et al. v. NORMAN et al.

The appeal is dismissed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed December 19, 2007

H031175 MERCURY INTERACTIVE CORPORATION v. KLEIN et al.; THE
RECORDER, et al.

The order unsealing the exhibits to the Complaint is
reversed and the matter is remanded for further proceedings that
are consistent with this opinion. The parties shall bear their
own costs on appeal. (published)
(Duffy, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed December 19, 2007

THURSDAY, DECEMBER 20, 2007

H030621 MAHONEY, et al. v. STATE FARM GENERAL INSURANCE COMPANY

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed December 20, 2007

H030702 PEOPLE v. ROMAYOR

The order modifying the terms of defendant's probation is
reversed. (not published)
(Duffy, J.; We concur: Rushing, P.J., Premo, J.)
Filed December 20, 2007

Sixth Appellate District

San Jose, California

Thursday, December 20, 2007 (continued)

H031277 AMERIQUEST MORTGAGE COMPANY v. STEPHEN FERREIRA et al.

H031548 AMERIQUEST MORTGAGE COMPANY v. STEPHEN FERREIRA et al.

The judgment (H031277) and amended judgment (H031548) are reversed and the cause remanded and set at large for further proceedings. Appellants shall have costs on appeal. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed December 20, 2007

H030602 PEOPLE v. BARAJAS

The judgment is reversed and the cause remanded to the trial court with instructions that defendant be permitted to withdraw his guilty plea if he so chooses and further proceedings be conducted as may be appropriate. If defendant does not elect to withdraw the guilty plea and the judgment is reinstated, the clerk of the court is instructed to correct the abstract of judgment to show that the sentence on count 3 is stayed, and to forward a corrected abstract of judgment to the Department of Corrections and Rehabilitation. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed December 20, 2007

H030670 HUYNH on Habeas Corpus

The trial court's order granting habeas relief and directing Huynh's release on parole pursuant to the 2002 grant of parole is reversed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed December 20, 2007

H031578 In re K.B.; DFCS v. GLORIA B.

The findings and orders of the April 25, 2007 hearing are affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed December 20, 2007

H031018 PEOPLE v. JUAREZ

Defendant's convictions for carjacking (§ 215, subd. (a)) in count 6 and for kidnapping (§ 207) in count 9 are stricken. The judgment is affirmed as so modified. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting the striking of counts 6 and 9 and to forward a copy of it to the Department of Corrections and Rehabilitation. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed December 20, 2007

Sixth Appellate District

San Jose, California

Thursday, December 20, 2007 (continued)

H030908 FANELLI v. FANELLI

Filed modification of opinion with no change in the judgment. (not published)
(Bamattre-Manoukian, Acting P.J., McAdams, J., Duffy, J.)
Filed December 20, 2007

H029904 DALTON et al. v. CENTURY 21 ALPHA et al.

The December 16, 2005 order on post-judgment motions is reversed. The matter is remanded to the superior court with directions to reenter the October 18, 2005 order. All parties to bear their own costs on appeal. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed December 20, 2007

H031457 PEOPLE v. COSIO

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed December 20, 2007

FRIDAY, DECEMBER 21, 2007

H027660 PEOPLE v. AUYON

The matter is reversed and remanded for resentencing only. In all other respects the judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed December 21, 2007

H031719 PEOPLE v. RODRIGO E.

The true finding on the charge of second degree robbery pursuant Penal Code section 211/212.5, subdivision (c), is modified to a true finding on the lesser charge of attempted second degree robbery pursuant to Penal Code sections 664 and 211/212.5, subdivision (c). As modified, the judgment is affirmed. The cause is remanded to the trial court with directions to conduct a new disposition hearing in light of the modified judgment. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed December 21, 2007

H030404 MILLER et al. v. STATE OF CALIFORNIA

The judgment is reversed. The trial court is directed to enter an order denying defendant's motion for summary judgment. Plaintiff is awarded costs on appeal. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed December 21, 2007

Sixth Appellate District

San Jose, California

Friday, December 21, 2007 (continued)

H031224 PEOPLE v. DEHARO

Probation condition No. 24 is modified to read: "Condition No. 24: Defendant shall not be present at any criminal court proceeding or at any criminal courthouse building or criminal courtroom unless you are scheduled for a court hearing or have the express permission of your Probation Officer." As so modified, the judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed December 21, 2007

H029808 PEOPLE v. GUESS

The original opinion filed April 24, 2007 is vacated. The judgment is affirmed. The trial court is directed to modify the abstract of judgment to reflect a stayed upper term on count 2 and to send the modified abstract to the Department of Corrections and Rehabilitation. (published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed December 21, 2007

H030710 PEOPLE v. RICHARD

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed December 21, 2007

H030504 SARGENT et al. v. AJLOUNY

The appeal is dismissed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed December 21, 2007

H030627 PEOPLE v. PURCELL

The order is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed December 21, 2007